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|--|--|------------------------|------------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | | Application Number | 09/855,828 |
| | | Filing Date | May 14, 2001 |
| | | First Named Inventor | Creech, Christopher D. |
| | | Art Unit | 1645 |
| | | Examiner Name | Not yet assigned |
| Total Number of Pages in This Submission | | Attorney Docket Number | 018512-006010US |

| ENCLOSURES (Check all that apply) | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form x2 <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Petition for Revival of Unintentionally Abandoned Application Pursuant to 37 CFR 1.137(b) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request x2 <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input checked="" type="checkbox"/> CD, Number of CD(s) 1 | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> copy of Notice of Abandonment; copy of Notice to File Missing Parts; supplemental ADS; Declaration (2 pages); Letter to Official Draftsperson w/9 sheets formal drawings; Communication Under 37 CFR 1.821-1.825 and Preliminary Amendment; paper sequence listing (16 pages); Return Postcard |
| Remarks | | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
|--|---|--|
| Firm or Individual | Townsend and Townsend and Crew LLP Annette S. Parent Reg. No. 42,058 | |
| Signature | <i>Annette S. Parent</i> | |
| Date | 12/18/03 | |

| CERTIFICATE OF MAILING | | | |
|---|---------------------|------|----------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Typed or printed name | Karen Karlin | | |
| Signature | <i>Karen Karlin</i> | Date | 12-18-03 |

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PTO/SB/17 (10-03)

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1735

Complete if Known

Application Number 09/855,828
 Filing Date May 14, 2001
 First Named Inventor Creech, Christopher D.
 Examiner Name Not yet assigned
 Art Unit 1645
 Attorney Docket No. 018512-006010US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 770 | 2001 | 385 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | Extra Claims | Fee from below | Fee Paid |
|--------------------|----------------------|----------------------|----------------------|
| Total Claims | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Independent Claims | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Multiple Dependent | <input type="text"/> | <input type="text"/> | <input type="text"/> |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid |
| 1204 | 86 | 2204 | 43 | ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | 65 |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | 1005 |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | 665 |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Petitions related to provisional applications | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$)1735

SUBMITTED BY

Complete (if applicable)

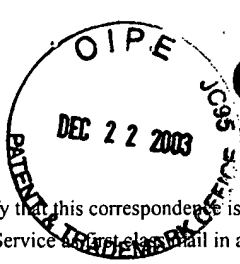
Name (Print/Type) Annette S. Parent Registration No. (Attorney/Agent) 42,058 Telephone 415-576-0200
 Signature *Annette S. Parent* Date 12/18/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PATENT
Attorney Docket No.: 018512-006010US

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On 12-18-03

TOWNSEND and TOWNSEND and CREW LLP

By: Karen Karlin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CREECH and JEGLA

Application No.: 09/855,828

Filed: May 14, 2001

For: CNG3B: A NOVEL CYCLIC
NUCLEOTIDE-GATED CATION
CHANNEL

Customer No.: 20350

Confirmation No. 9660

Examiner: Not yet assigned

Technology Center/Art Unit: 1645

PETITION FOR REVIVAL OF
UNINTENTIONALLY ABANDONED
APPLICATION PURSUANT TO 37 CFR
§1.137(b)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A petition is hereby made, pursuant to 37 CFR §1.137(b), for revival of the above-identified patent application, which has been unintentionally abandoned due to a delay in replying to a Notice to File Missing Parts of Nonprovisional Application. The following items are enclosed as required by 37 CFR §1.137(b) for reviving the application: a response (including the missing oath or declaration) to the Notice to File Missing Parts and a fee transmittal authorizing payment of the fees for petition to revive the application as well as for petition to extend time to respond to the Notice to File Missing Parts for five months.

12/23/2003 CNGUYEN 00000057 201430 09855828

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Appl. No. 09/855,828

PATENT

Petition to revive dated December 16, 2003

In Response to Notice of Abandonment of October 29, 2003

A Notice to File Missing Parts of Nonprovisional Application was mailed on July 13, 2001, in the above-identified application. The final due date for responding to the Notice, including a five-month time extension, was February 13, 2002. The entire delay in filing the reply to the Notice to File Missing Parts from the due date to the filing of the present petition is unintentional.

Applicants respectfully petition to revive the application as unintentionally abandoned. Further, Applicants authorize payment of the petition fee for revival, the petition fee for five months time extension to respond, pursuant to 37 CFR §1.17(m), and the late filing fee for filing missing parts, pursuant to 37 CFR §1.16(e), in the amount of \$665, \$1005, and \$65, respectively, for a small entity from Deposit Account No. 20-1430 of the undersigned. Please charge any additional fees or credit overpayment to the same deposit account.

If a telephone conference would expedite consideration of this matter, the Examiner is invited to telephone the undersigned at (415) 576-0200.

Respectfully submitted,



Annette S. Parent

Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP

Two Embarcadero Center, Eighth Floor

San Francisco, California 94111-3834

Tel: 415-576-0200

Fax: 415-576-0300

Attachments

ASP:cg

60103505 v1